MONTANA LEGISLATIVE HISTORY

Chapter 259 19 99

Bill H 617 S _____ Original bill & history ✓ C

H. Committee on Natural Resources			S. Committee on Natural Resources		
Hearing Date(s)	2/17	✓ C	Hearing Date(s)	3/17	✓ C
		C		3/26	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ___ Yes ✓ No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

257 *(House Bill No. 455; Soft)* GENERALLY REVISING THE LAWS RELATING TO ADOPTION; AMENDING SECTIONS 42-1-105, 42-2-206, 42-2-217, 42-2-412, 42-2-607, 42-2-609, 42-2-610, 42-2-619, 42-3-203, 42-3-212, 42-3-213, 42-4-302, 42-4-303, 42-4-304, 42-4-309, 42-4-310, 42-5-101, 42-5-109, AND 42-5-202, MCA; REPEALING SECTION 42-4-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 796

258 *(House Bill No. 527; Harper)* REQUIRING IMPOSITION OF THE RESTRICTION OF DRIVING A MOTOR VEHICLE EQUIPPED WITH A FUNCTIONING IGNITION INTERLOCK DEVICE AS A CONDITION FOR ISSUANCE OF A PROBATIONARY DRIVER'S LICENSE UPON A SECOND OR SUBSEQUENT VIOLATION OF DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE OF ALCOHOL; AND AMENDING SECTIONS 61-2-302, 61-5-208, AND 61-8-442, MCA 806

259 *(House Bill No. 617; Ohs)* RESTRUCTURING THE MEMBERSHIP OF THE PETROLEUM TANK RELEASE COMPENSATION BOARD; REVISING THE AUTHORITY OF THE BOARD; AMENDING SECTIONS 2-15-2108 AND 75-11-318, MCA; AND PROVIDING AN EFFECTIVE DATE 809

260 *(Senate Bill No. 13; McNutt)* EXPANDING THE SCOPE AND DURATION OF THE MOTOR VEHICLE ELECTRONIC RECORD PILOT PROGRAM OF THE DEPARTMENT OF JUSTICE; AMENDING SECTION 61-3-109, MCA, AND SECTION 4, CHAPTER 90, LAWS OF 1997; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 810

261 *(Senate Bill No. 239; Roush)* REQUIRING THE DEPARTMENT OF REVENUE TO AID SOLID WASTE MANAGEMENT DISTRICT BOARDS BY PROVIDING INFORMATION TO BE USED TO DETERMINE RATES FOR SERVICE CHARGES; AND AMENDING SECTION 7-13-231, MCA 811

262 *(Senate Bill No. 404; McNutt)* PROVIDING THAT THE ASSETS OF AN INDIVIDUAL RETIREMENT ACCOUNT ARE EXEMPT FROM EXECUTION OF JUDGMENT TO THE EXTENT OF CONTRIBUTION LIMITS TO THE ACCOUNT; PROVIDING THAT THE EXCEPTION DOES NOT APPLY TO CHILD SUPPORT AND CERTAIN FAMILY SUPPORT ORDERS; AMENDING SECTION 25-13-608, MCA; AND PROVIDING AN APPLICABILITY DATE 812

263 *(Senate Bill No. 419; Shea)* CLARIFYING THAT CERTAIN PUBLICLY OWNED LICENSES ARE ELIGIBLE FOR GAMBLING ACTIVITIES; PROVIDING THAT LESSEES OF LICENSES ISSUED TO AIRPORT AUTHORITIES AND PUBLIC GOLF COURSES ARE ALSO ELIGIBLE TO OFFER CERTAIN GAMBLING ACTIVITIES; CLARIFYING THAT OWNERS OF RESORT LICENSES ARE ELIGIBLE TO OFFER CERTAIN GAMBLING ACTIVITIES; AMENDING SECTION 23-5-119, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 813

264 *(Senate Bill No. 439; Hertel)* REVISING THE DEFINITIONS OF "SEASONAL ESTABLISHMENT" AND "SMALL ESTABLISHMENT" AS THE DEFINITIONS APPLY TO THE LICENSURE OF GUEST RANCHES AND OUTFITTING AND GUIDE FACILITIES TO ENSURE THAT THE NUMBER OF GUESTS FOR WHOM ACCOMMODATIONS ARE PROVIDED DURING THE ESTABLISHMENT'S SEASON OF OPERATION IS DETERMINED BY USING AN AVERAGE; AND AMENDING SECTION 50-51-102, MCA 814

265 *(House Bill No. 277; Pavlovich)* REPEALING THE PROVISION THAT ALLOWS LICENSING OF CHIROPRACTORS FROM OTHER STATES

3/30 Chapter Number Assigned
Chapter Number 194
Effective Date: 10/01/1999 - All Sections

HB 616 Introduced by Lindeen, et al. *LC0927 Drafter: Niss*

Provide for the Receipt of Public Comment by Electronic Mail;...

2/13	Introduced and 1st Reading		
2/13	Referred to State Administration		
2/17	Hearing		
2/17	Committee Executive Action--Bill Passed	17	0
2/18	Committee Report--Bill Passed		
2/20	2nd Reading Passed	99	1
2/22	3rd Reading Passed	98	1
	Transmitted to Senate		
2/23	Referred to State Administration		
3/05	Hearing		
3/16	Committee Executive Action--Bill Concurred	5	0
3/16	Committee Report--Bill Concurred		
3/18	2nd Reading Concurred	48	0
3/19	3rd Reading Concurred	44	0
	Returned to House		
3/20	Sent to Enrolling		
3/22	Returned from Enrolling		
3/23	Signed by Speaker		
3/23	Signed by President		
3/24	Transmitted to Governor		
4/02	Returned to House with Governor's Proposed Amendments		
4/15	2nd Reading Governor's Proposed Amendments Concurred	99	1
4/16	3rd Reading Governor's Proposed Amendments Concurred	97	2
4/16	Transmitted to Senate for Consideration of Governor's Proposed Amendments		
4/17	2nd Reading Governor's Proposed Amendments Concurred	49	0
4/19	3rd Reading Governor's Proposed Amendments Concurred	50	0
4/19	Returned to House Concurred in Governor's Proposed Amendments		
4/20	Sent to Enrolling		
4/21	Returned from Enrolling		
4/21	Signed by Speaker		
4/22	Signed by President		
4/23	Transmitted to Governor		
4/27	Signed by Governor		
4/29	Chapter Number Assigned Chapter Number 484 Effective Date: 7/01/2000 - All Sections		

HB 617 Introduced by Ohs *LC0964 Drafter: Mitchell*

Restructure the Membership of the Petroleum Tank Release Compensation Board;...

2/13 Introduced and 1st Reading
2/13 Referred to Natural Resources

2/17	Hearing		
2/18	Committee Executive Action--Bill Passed	19	1
2/18	Committee Report--Bill Passed		
2/19	2nd Reading Passed	95	3
2/20	3rd Reading Passed	95	4
	Transmitted to Senate		
2/22	Referred to Natural Resources		
3/17	Hearing		
3/27	Committee Executive Action--Bill Concurred	11	0
3/27	Committee Report--Bill Concurred		
3/29	2nd Reading Concurred	49	0
3/30	3rd Reading Concurred	46	4
	Returned to House		
3/31	Sent to Enrolling		
3/31	Returned from Enrolling		
3/31	Signed by Speaker		
3/31	Signed by President		
4/01	Transmitted to Governor		
4/05	Signed by Governor		
4/07	Chapter Number Assigned		
	Chapter Number 259		
	Effective Date: 7/01/1999 - All Sections		

HB 618 Introduced by Ahner *LC1317 Drafter: Higgins*

Require That Water Conditioner Services That Are Installed in a Private Dwelling Be Installed by a Licensed Plumber;...

2/13	Introduced and 1st Reading		
2/13	Referred to Business and Labor		
2/16	Hearing		
2/17	Tabled in Committee		
3/01	Missed Deadline for General Bill Transmittal		

HB 619 Introduced by Golie *LC1601 Drafter: Niss*

Allow County Commissions to Authorize Use by County Employees of an Insurance Contract or Plan in Conjunction with Medical Care Savings Accounts;...

2/13	Introduced and 1st Reading		
2/13	Referred to Local Government		
2/16	Hearing		
2/17	Tabled in Committee		
3/01	Missed Deadline for General Bill Transmittal		

HB 620 Introduced by Tuss, et al. *LC0789 Drafter: Lane*

Clarify the Public's Constitutional Right to Examine Public Documents;...

2/13	Introduced and 1st Reading		
2/13	Referred to State Administration		
2/17	Hearing		
2/17	Committee Executive Action--Bill Passed as Amended	9	8
2/18	Committee Report--Bill Passed as Amended		
2/19	2nd Reading Passed	77	20
2/20	3rd Reading Passed	77	23

House BILL NO. 617

INTRODUCED BY Ohs
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT RESTRUCTURING THE MEMBERSHIP OF THE PETROLEUM TANK RELEASE COMPENSATION BOARD; REVISING THE AUTHORITY OF THE BOARD; AMENDING SECTIONS 2-15-2108 AND 75-11-318, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-2108, MCA, is amended to read:

"**2-15-2108. Petroleum tank release compensation board.** (1) There is a petroleum tank release compensation board.

(2) The board consists of seven members appointed by the governor as follows:

(a) ~~the director of the department of environmental quality or the director's representative~~ a representative of the financial or banking industry with experience in small business or property loans;

(b) ~~a representative of the state fire prevention and investigation program of the department of justice~~ an attorney licensed to practice law in Montana with experience in environmental law;

(c) a representative of the petroleum services industry or a representative of the petroleum release remediation consultant industry;

(d) a representative of independent petroleum marketers and chain retailers;

(e) a representative of the general public;

(f) a representative of service station dealers; and

(g) a representative of the insurance industry.

(3) The board shall elect a presiding officer.

(4) The term of membership is 3 years.

(5) Members shall serve without pay, but are entitled to reimbursement for travel, meals, and lodging while engaged in board business, as provided in 2-18-501 through 2-18-503."

Section 2. Section 75-11-318, MCA, is amended to read:

"**75-11-318. Powers and duties of board.** (1) The board shall administer the petroleum tank

release cleanup fund in accordance with the provisions of this part, including the payment of reimbursement to owners and operators.

(2) The board shall determine whether to approve reimbursement of eligible costs under the provisions of 75-11-309(2), shall obligate money from the fund for approved costs, and shall act on requests for the guarantee of payments through the procedures and criteria provided in 75-11-309.

(3) The board may conduct meetings, hold hearings, undertake legal action, and conduct other business ~~as~~ that may be necessary to administer its responsibilities under this part. The board shall meet at least quarterly for the purpose of reviewing and approving claims for reimbursement from the fund and conducting other business as necessary.

(4) The ~~board may hire staff, and the~~ department shall provide staff support to the board as the department determines it is able. The board shall use the fund ~~to pay its staff expenses,~~ to pay:

(a) for department staff used:

(i) for the review or preparation of corrective action plans; ~~and~~

(ii) for the oversight of corrective action undertaken by owners and operators for the purposes of this part~~,~~; and

(iii) for the review and processing of claims for reimbursement submitted by owners and operators under this part; and ~~to pay~~

(b) for department of transportation staff used for the collection of the petroleum storage tank cleanup fee.

(5) The board shall adopt rules to administer this part, including:

(a) rules governing submission of claims by owners or operators to the department and board;

(b) procedures for determining owners or operators who are eligible for reimbursement and determining the validity of claims;

(c) procedures for the review and approval of corrective action plans;

(d) procedures for conducting board meetings, hearings, and other business necessary for the implementation of this part; and

(e) other rules necessary for the administration of this part.

(6) The board may apply for, accept, and repay loans from the board of investments pursuant to 17-6-225."

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 1999.

- END -

HB 610 SPONSOR: Ohs, Karl SHORT TITLE: Revise open cut mining act
REFERRED ON: 02/12/1999 HEARD ON: 02/17/1999
TABLED ON: 02/18/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

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HB 617 SPONSOR: Ohs, Karl SHORT TITLE: Revise and restructure petroleum storage tank cleanup fund
REFERRED ON: 02/13/1999 HEARD ON: 02/17/1999
EXECUTIVE ACTION: 02/18/1999 Bill Passed -- VOTE: 19 - 1
FINAL DISPOSITION 04/07/1999 Chapter Number Assigned

HB 666 SPONSOR: Ohs, Karl SHORT TITLE: Revise sanitation in subdivisions act
REFERRED ON: 03/10/1999 HEARD ON: 03/19/1999
TABLED ON: 03/19/1999
FINAL DISPOSITION 03/31/1999 (H) Missed Deadline for Revenue Bill Transmittal

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HJ 3 SPONSOR: Ohs, Karl SHORT TITLE: Interim study of incentives to promote voluntary cleanup of contaminated sites
BY REQUEST OF: Environmental Quality Council
REFERRED ON: 01/04/1999 HEARD ON: 01/27/1999
EXECUTIVE ACTION: 01/28/1999 Bill Passed -- VOTE: 20 - 0
FINAL DISPOSITION 03/15/1999 (H) Filed with Secretary of State

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HJ 23 SPONSOR: Lindeen, Monica SHORT TITLE: Urge retention of certain historic names
REFERRED ON: 02/10/1999 HEARD ON: 02/17/1999
EXECUTIVE ACTION: 02/18/1999 Bill Passed -- VOTE: 20 - 0
FINAL DISPOSITION 03/16/1999 (H) Filed with Secretary of State

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SB 9 SPONSOR: McNutt, Walter SHORT TITLE: Limit legislative approval of large-scale water right change authorization
BY REQUEST OF: Department Of Natural Resources And Conservation
REFERRED ON: 01/14/1999
FINAL DISPOSITION 03/02/1999 Chapter Number Assigned

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN BILL TASH**, on February 17, 1999 at 3:00 P.M., in Room 437 Capitol.

ROLL CALL

Members Present:

Rep. Bill Tash, Chairman (R)
Rep. Hal Harper, Vice Chairman (D)
Rep. Cindy Younkin, Vice Chairman (R)
Rep. Rod Bitney (R)
Rep. Aubyn A. Curtiss (R)
Rep. Rick Dale (R)
Rep. Bill Eggers (D)
Rep. Ron Erickson (D)
Rep. David Ewer (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Dan McGee (R)
Rep. Douglas Mood (R)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney (D)
Rep. Bob Story (R)
Rep. Jay Stovall (R)
Rep. Carley Tuss (D)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Deb Thompson, Committee Secretary
Kathleen Williams, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 610, HB 617, HJ 23, 2/15/1999

Rep. Younkin **MOVED TO TABLE.** The question was called. The motion **PASSED** 12-8.

HEARING ON HOUSE BILL 617

Sponsor: Rep. Karl Ohs presented the bill which concerned underground storage. He said the bill would change the membership of the board. ***{Tape : 1; Side : B; Approx. Time Counter : 16.6}***

Proponents: Ronna Alexander, representing the Petroleum Marketers Association, spoke in favor of the bill. She said their association represented 70% of the petroleum storage facilities in the state. She said this would move towards a more efficient process. She distributed the Petroleum Board side of their budget. **EXHIBIT(5)** The changing of the membership of the board is at the request of the department. There is conflict of interest when there is a regulating agency sitting on a board that also determines eligibility to the fund. The bill would move staff under DEQ which is more efficient. DEQ is on site as a case manager, there is a petro case manager and an above ground person, like the Fire Marshall. A tank owner has to talk to three regulators. This is a duplication of efforts. ***{Tape : 1; Side : B; Approx. Time Counter : 20.7}***

Mark Simonich, Director of Department of Environmental Quality and board member, discussed the Petroleum Tank Release Board. The board is in unanimous support of HB 617. The board compensation is awkward since it is both department rules and state fire code that are applicable rules that apply to eligibility for reimbursement under the fund. You have two members of the board that have to sit in judgement when their own staffs have made a recommendation that a particular facility may be out of compliance and ineligible for the fund. The bill would allow two public members to sit on the board and allow the State Fire Marshall and the department to be advisors to the board. ***{Tape : 1; Side : B; Approx. Time Counter : 29}***

Opponents: None.

Questions from Committee Members and Responses: Rep. Wagner asked about the intrusion of three inspectors. Ronna Alexander replied there were some complex sites but most only required one inspector. Rep. Tash pointed out the legal fees and court costs have only amounted to $599 for the biennium which represented efficiency.

Closing by Sponsor: Rep. Ohs closed.

EXECUTIVE ACTION ON HOUSE BILL 617

Rep. Ohs **MOVED DO PASS.** The question was called. The motion **PASSED** 19-1 with Rep. Hurdle voting no.

EXECUTIVE ACTION ON HOUSE BILL 573

Rep. Erickson **MOVED DO PASS.** He presented an amendment. **EXHIBIT(6)** He explained the amendment addressed eminent domain for a gasoline pipeline (see map) **EXHIBIT(7).**

Rep. Erickson **MOVED** the amendment. Rep. Tash explained this was Rep. Bookout-Reinicke's amendment when she first presented the bill.

Kathleen Williams explained the language was proposed by the sponsor based on the current law for the Bonneville Power lines.

Rep. Ewer felt this was a bad amendment. He stated no one likes condemnation but gas is needed in cars. He **MOVED A SUBSTITUTE MOTION TO TABLE.** The question was called. The motion **PASSED** 15-5 with Reps. Raney, Harper, Eggers, Gutsche and Erickson voting no.

EXECUTIVE ACTION ON HOUSE BILL 574

Rep. Ewer **MOVED DO PASS.** Rep. Ewer **MOVED** the 04 amendment. **EXHIBIT(8)**

Kathleen Williams explained the additions to the amendment and the intention. ***{Tape : 1; Side : B; Approx. Time Counter : 42.1}***

Rep. Dale asked about the provision that mentioned 600 ft from home schools. He asked for clarification if the pipeline could be replaced in the existing location. Williams pointed out the concern was the bill might be interpreted to require replacement.

Rep. Harper asked to segregate the amendment and drop #3. He pointed out this was taken from the law that applied to casinos and all they need to do is open the back door and it does not apply.

The question was called. The motion **PASSED** unanimously.

Rep. Harper **MOVED THE BILL AS AMENDED.** Rep. Ewer said the companies were getting a bad rap. There is no alternatives since

SENATE

NATURAL RESOURCES

CHAIR: Crismore, William **VICE CHAIR: Mahlum, Dale**

MEMBERS:

Cocchiarella, Vicki	**Cole, Mack**
Grosfield, Lorents	**Keating, Tom**
McCarthy, Bea	**Miller, Ken**
Roush, Glenn	**Taylor, Mike**
Wilson, Bill	

SECRETARY: Scheel, Jyl

LEGISLATIVE STAFF: Mitchell, Larry

HB 485 SPONSOR: Anderson, Shiell SHORT TITLE: Establish process to offer timber conservation license in lieu of timber sale
REFERRED ON: 02/22/1999 HEARD ON: 03/12/1999
EXECUTIVE ACTION: 03/18/1999 Bill Concurred -- VOTE: 10 - 0
FINAL DISPOSITION 04/06/1999 Chapter Number Assigned

HB 486 SPONSOR: Anderson, Shiell SHORT TITLE: Generally revise CECRA
REFERRED ON: 02/22/1999 HEARD ON: 03/12/1999
EXECUTIVE ACTION: 03/23/1999 Bill Concurred as Amended -- VOTE: 8 - 1
FINAL DISPOSITION 04/23/1999 Chapter Number Assigned

HB 487 SPONSOR: Anderson, Shiell SHORT TITLE: Submit repeal of termination date of remedial action costs to electors
REFERRED ON: 02/22/1999
FINAL DISPOSITION 04/22/1999 (S) Died in Standing Committee

HB 539 SPONSOR: Sliter, Paul SHORT TITLE: Changes to Flathead Basin Commission laws
REFERRED ON: 02/22/1999 HEARD ON: 03/17/1999
EXECUTIVE ACTION: 03/18/1999 Bill Concurred -- VOTE: 9 - 1
FINAL DISPOSITION 04/06/1999 Chapter Number Assigned

HB 596 SPONSOR: Somerville, Roger SHORT TITLE: Water quality information and limit changes to design/construction requirements
REFERRED ON: 02/23/1999 HEARD ON: 03/17/1999
EXECUTIVE ACTION: 03/27/1999 Bill Concurred as Amended -- VOTE: 10 - 1
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

HB 617 SPONSOR: Ohs, Karl SHORT TITLE: Revise and restructure petroleum storage tank cleanup fund
REFERRED ON: 02/22/1999 HEARD ON: 03/17/1999
EXECUTIVE ACTION: 03/27/1999 Bill Concurred -- VOTE: 11 - 0
FINAL DISPOSITION 04/07/1999 Chapter Number Assigned

HJ 3 SPONSOR: Ohs, Karl SHORT TITLE: Interim study of incentives to promote voluntary cleanup of contaminated sites
BY REQUEST OF: Environmental Quality Council
REFERRED ON: 02/03/1999 HEARD ON: 03/05/1999
EXECUTIVE ACTION: 03/08/1999 Bill Concurred -- VOTE: 11 - 0
FINAL DISPOSITION 03/15/1999 (H) Filed with Secretary of State

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MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN WILLIAM CRISMORE**, on March 17, 1999 at 3:10 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. William Crismore, Chairman (R)
Sen. Dale Mahlum, Vice Chairman (R)
Sen. Vicki Cocchiarella (D)
Sen. Mack Cole (R)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Glenn Roush (D)
Sen. Mike Taylor (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Larry Mitchell, Legislative Branch
Jyl Scheel, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 539, 3/17/1999; HB 596, 3/17/1999; HB 617, 3/17/1999
Executive Action: HJ 11; HJ 8; HJ 17; HB 429; HB 96; HB 346; HB 485; HB 539

HEARING ON HB 539

Sponsor: **REPRESENTATIVE PAUL SLITER, HD 76, SOMERS**

SENATOR KEATING asked how much expense is involved in this manual update? **Ms. Sensibaugh** stated the current manual was sold for $40 which was the cost of reproduction and the binder.

Closing by Sponsor:

REPRESENTATIVE ROGER SOMERVILLE, HD 58, KALISPELL, stated he felt the private sector would gladly pay enough money to at least cover the cost of production at least. It would help with open communications between **DEQ** and those in the field if they were all talking off the same sheet of music. It is also very critical to get new systems developed for use in Montana to deal with septic and water quality at the sewage plants. It is critical that there is a mechanism within the laws to allow engineers to bring these new systems in and prove that they work instead of having the regulators reject them simply because they are new systems. This is what you get from the County Sanitarians a lot of times. Therefore, until it is approved by the state, they won't let them use it and then the State does not have anything that gives direction to look at new systems. This will allow them to do so.

{Tape : 1; Side : A; Approx. Time Counter : 4.5 - 15; Comments : None.}

HEARING ON HB 617

Sponsor: REPRESENTATIVE KARL OHS, HD 33, HARRISON

Proponents:

Ronna Alexander, Montana Petroleum Marketers Association
Mark Simonich, Director, Department of Environmental Quality and Petroleum Tank Release Compensation Board Member

Opponents:

Earl Griffith, Professional Geologist and Private Consultant

Opening Statement by Sponsor:

REPRESENTATIVE KARL OHS, HD 33, HARRISON, stated the purpose of **HB 617** is to restructure the membership of the Petroleum Tank Release Compensation Board and also move some staff around. Legislation passed in 1989 to create the Board in response to the

Environmental Protection Act requirement for $1 million dollars financial insurance from owners of underground storage petroleum tanks. This was funded by 3/4 cent per gallon tax collected with the gas and diesel tax. The purpose of the fund was to be sure these underground storage tanks could be removed. The program is now funding 18 positions in the Department of Environmental Quality and 10 positions under the Petroleum Board. This bill is trying to change the makeup of the Petroleum Board somewhat and move the Board staff into the Department of Environmental Quality in order to downsize. It is the first step in eliminating the program as we know it today.

Proponents' Testimony:

Ronna Alexander, Montana Petroleum Marketers Association (MPMA), stated representatives from industry and a committee from the Petroleum Board started developing more comprehensive legislation in restructuring this program that will try to move the industry toward a privatization program. However, moving toward privatization prompted several questions that could not be answered at this time, i.e. determining the existing liability of the fund and whether or not private insurance would be available for an affordable price. They consider **HB 617** as just a mini-step toward a more efficient program and trying to move toward a privatization of this fund.

The bill changes the structure of the Petroleum Board by removing the Director or representative from **DEQ** as well as the State Fire Marshall's Office. Those positions are being replaced with a representative of the financial or banking industry and an attorney. They believe it would be better to have a full citizen board more like the Board of Environmental Review. There is concern about a conflict of interest when regulated agencies also determine eligibility towards the fund.

By integrating the Board staff into **DEQ**, efficiency and cost savings will be created, the process will be streamlined and communication will be vastly improved among those people that deal with corrective action sites eligible to the fund. They are attempting to alleviate the situation so the tank owner could work with one person. That person would then guide them through the corrective action process and also the reviewing of claims, when eligible for the fund.

They do not believe the Board, which only meets eight times a year, can effectively manage a staff that large anymore.

Mark Simonich, Director, Department of Environmental Quality and Petroleum Tank Release Compensation Board Member, spoke in support of **HB 617** as per **EXHIBIT(2).**

Opponents' Testimony:

Earl Griffith, Professional Geologist and Private Consultant, spoke in opposition to the bill as per **EXHIBIT(3).**

{Tape : 1; Side : A; Approx. Time Counter : 15 - 47; Comments : None.}

Questions from Committee Members and Responses:

SENATOR GROSFIELD questioned how does one know when cleanup is good enough and how to get timely signatures? **Mr. Simonich** stated it is hard to know exactly when clean up is completed and if done timely. Generally they are dealing with contamination underground they cannot see. It is a matter of cleaning up soil, cleaning up groundwater, how far has the contaminant moved, what are the conditions underground and the types of contaminants there. It varies continually site by site. Risk based corrective action is an area he believes will help them reach site closure more quickly. It allows them to determine the appropriate level of cleanup for a given site given the risks involved.

SENATOR GROSFIELD questioned the purpose of using WQB-7 (Water Quality Bureau Petroleum Release Section Technical Guidance Document #7)? Is there a test that covers many of these parameters? **Mr. Simonich** stated when doing a cleanup they would look under WQB-7 specific parameters related to the type of contamination coming from the petroleum tank. There may be a variety of constituents present and they would determine where they were with them and if they are able to meet the standard.

SENATOR GROSFIELD questioned the breakdown of hydrocarbons in the ground. **Mr. Griffith** stated it is a complex problem that deals with the types of chemistry of the groundwater, whether or not there are any organic degraders, certain bacteria and related families, etc.

SENATOR MAHLUM questioned if there was a list of future cleanups to be done? **Mr. Simonich** stated they learn about these sites when an individual owner finds a spill or in doing a dig out of their tanks they find contaminated soil. The Department is then notified there is a release. This past December they received notification of 49 new petroleum releases. During that same month they resolved five releases which were on-going cleanup

actions. In the ten years of this program there have been a total of 3,464 releases. Currently 1,414 of those are active and 2,050 have been resolved. It is hard to estimate what might be out in the future.

SENATOR MAHLUM questioned if a cleanup costs $100,000, does the owner of the site only pay $17,500 and the state takes care of the rest? **Mr. Simonich** stated the $17,500 is like a deductible. The owner has to pay half of the first $35,000 of the cleanup. They will be reimbursed the additional amount if their site is eligible for reimbursement. If there is a tank on site and the facility had been operated in compliance with the various applicable statutes, then the owner generally would be eligible for reimbursement from the fund for the remainder of the cleanup.

SENATOR TAYLOR questioned how much money it costs to administer this Board? What decisions are the Board responsible for? **Mr. Simonich** stated the bill simply moves the responsibility for providing staff to the Department. That would become the Director's responsibility. Every other area of authority which the Board has currently, remains with the Board. The Department does not take control of the fund. The Department will not have the ability to determine how the fund is spent. The Board will have all the authority to set the rules by which sites can be eligible, the process for claims and whether they will be paid. Staff will make recommendations to the Board just as they do now. The difference will be the Department will be responsible for managing the staff. There is no Fiscal Note attached because there was not anticipated there would be any fiscal impact. It is simply changes overseeing the staff function provided to the Board.

SENATOR TAYLOR stated he was trying to make sure if the Board had closure authority. **SENATOR CRISMORE** stated the Board does not have closure authority, that belongs to the Department.

Closing by Sponsor:

REPRESENTATIVE KARL OHS, HD 33, HARRISON, asked the committee to keep in mind this program may in time be able to be privatized. This is the first step in trying to make that happen by combining the staff to make it run more efficiently. In that way a volunteer Board does not have the duty to manage the staff. He urges the committee's approval.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 14.3; Comments : None.}

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN WILLIAM CRISMORE**, on March 26, 1999 at 3:30 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. William Crismore, Chairman (R)
Sen. Dale Mahlum, Vice Chairman (R)
Sen. Vicki Cocchiarella (D)
Sen. Mack Cole (R)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Glenn Roush (D)
Sen. Mike Taylor (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Larry Mitchell, Legislative Branch
Jyl Scheel, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SJ 17, 3/26/1999; SJ 18, 3/26/1999
Executive Action: HB 183; SJ 18; SJ 17; HB 340; HB 74; HB 458; HB 617; HB 596; HB 298; SB 252; SB 253; SB 254; SB 255

EXECUTIVE ACTION ON HB 183

Motion: **SEN. GROSFIELD** moved that **HB 183 BE CONCURRED IN.**

Mr. Everts stated this is a statutory bill, not a resolution, that basically requires the **EQC**, in cooperation with interested parties and stakeholders, to review and summarize information with voluntary Best Management Practices for streamside corridor management and to coordinate that information and disseminate it.

SENATOR TAYLOR said it is a direction to **EQC** and he would like the opinion of someone on **EQC**.

SENATOR McCARTHY stated at the first meeting they prioritize their workload. Last interim they divided the committee into two subcommittees and accomplished a greater workload by that means. She feels this bill fits in with some of the issues they have already worked on, especially the water policy subcommittee. She feels they can do it.

SENATOR CRISMORE stated he agreed with **SEN. McCARTHY**. They made a commitment during the last interim when they started some of this and he feels they need to follow through.

Mr. Everts stated this requires the **EQC** to get several people together to see what the voluntary practices are on the ground, evaluate them and re-disseminate that information in a coherent package to folks along stream corridors to voluntarily implement those best management practices.

SENATOR KEATING stated New Section 2 is the direction of the proposal.

Vote: Motion that **HB 458 BE CONCURRED IN carried 11-0. SENATOR McCARTHY** will carry bill to Senate Floor.

EXECUTIVE ACTION ON HB 617

Motion/Vote: **SEN. MILLER** moved that **HB 617 BE CONCURRED IN. Motion carried 11-0. SENATOR MILLER** will carry bill to Senate Floor.

EXECUTIVE ACTION ON HB 596

Motion: **SEN. TAYLOR** moved that **HB 596 BE CONCURRED IN.**

Motion: **SEN. TAYLOR** moved that **AMENDMENTS HB059601.ALM BE ADOPTED.**